

Burlington Planning Commission

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Vacant, Youth Member



Burlington Planning Commission Minutes

Tuesday, February 26, 2013 - 6:30 pm

Present: B. Baker, L. Buffinton, A. Montroll, J Wallace-Brodeur, H Roen

Absent: A Saba, Y Bradley

Staff: S. Thibault, D. White, E Tillotson

I. Agenda

S. Thibault: As a courtesy to members of the public who have requested to speak on one of the proposed amendments, items VI & VII are reversed.

D. White: He would like to add one more proposed amendment for item VI, an adaptive reuse amendment that fell through the cracks in 2012.

II. Public Forum

B. Baker – Opened the public forum at 6:39 pm.

No participants.

B. Baker – Closed the public forum at 6:39 pm.

III. Report of the Chair

B. Baker: No report, the Chair is absent.

IV. Report of the Director

The Director presented the following report:

- Since the last meeting, the Director has been consumed with stormwater issues. Last week, Thursday, he testified before the Fish and Wildlife legislative committee, concerning the proposed shoreline protection bill. The Director focused on the notion that not all shorelines are created equal, and that while the majority of shorelines in the state are rural, there is a portion of the State where mixed development exists. He suggested a redraft to reflect that circumstance, and to allow for local ordinances to govern the responsibility for mixed development use. He also suggested that the Agency of Natural Resources could delegate responsibility to municipalities as they desired, to reflect that there exists a multitude of different shoreline contexts.
- The Director will meet with the Mayor tomorrow to discuss the progress of the form based code development. There will be a conference call Thursday with the consultant team.
- There has been an email circulated about the upcoming Railyard Enterprise project meeting next Thursday, March 7th in Contois Auditorium to discuss this proposal, how it meshes with the Waterfront Plan, and clarify how to go forward.

As approved by the Burlington Planning Commission on March 12, 2013.

V. Public Hearing: ZA-13-06 Downtown Parking

D. White: It was the pleasure of the Planning Commission at the January 22 meeting to discuss the proposal for modification of the parking standards in the downtown parking district. The Commission will put forward off-site parking recommendations.

Two areas of change:

- Section 8.1.6: Strike this section, it doesn't apply now.
- All of downtown requirement in Table 8.1.7. Any new development will be responsible for determining their own parking needs. This article retains the maximum requirement of 125% required parking. It encourages alternative transportation and creates ways to incentivize using public transport, biking, walking.

B. Baker: Asked for public comments, there were none.

H. Roen: The Department of Public Works discussion gave the impression that they try to accommodate parking on street if requested for special projects. What is happening with this subject?

D. White: The Department is trying to organize a meeting with DPW. There is some overlap of parking issues. Now is a good time to re-examine how the residential parking program is managed. There is a need to facilitate downtown parking and support housing. The goal is to bring in all transportation recommendations from planBTV.

J. Wallace-Brodeur: Strongly supports this amendment which will create flexibility in the approach to parking. The evolution of a different strategy is needed.

A. Montroll: Also endorses the amendment for much the same reasons.

L. Buffinton: This is key for affordable housing.

On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission unanimously recommends approval of ZA-13-06 to the City Council.

VI. PlanBTV- Open Space Protection Plan Update

Amy Sheldon, independent consultant; Scott Gustin, Senior Planner; Dan Cahill, Parks and Recreation Department present an update of the plan.

A. Sheldon presents a look at the six existing plans that address open space. The object is to collate the plan objectives and then prioritize an approach.

The Parks and Recreation Master plan and the Open Space Protection plans were compared. Public lands, inventories of recreation sites, capital improvements budget were all considered.

The Open Space Protection Plan of 2000 overview was presented and a summary of accomplishments.

About 49% of the city's land is open space, the majority being in the Intervale and adjoining Winooski River area. There are 37 parks in City, and 48 miles of trails. Some green space has been lost to development, but some has been conserved. Wetland and riparian areas are regulated.

The Conservation Legacy program, which was created as a result of the first open space plan, focuses on education, acquisition, stewardship.

Trails assessment, pocket parks, urban agriculture, green infrastructure, access to natural areas, are all in the focus of the inventory update.

Research was started in the fall 2012, spring 2013 will be the final draft plan. The team has made public appearances, addressed NPAs, announced in the Front Porch forums, contacted people through city distribution lists. The response has been good. Approximately half of the comments have been about management of public spaces. Access to the waterfront and bike path in particular have garnered the largest amount of comments.

As approved by the Burlington Planning Commission on March 12, 2013.

S. Gustin: The team is now wrapping up public input, this being the last formal meeting for this round. There has been good public input, and the website soliciting comments is available for use through next month. Comments and suggestions will be encompassed into the final draft plan for adoption by the City Council in the summer.

L. Buffinton: Were wildlife corridors documented?

A. Sheldon: Yes, this is part of the Long Range plan and there is data which will be integrated. A UVM research group provided corridors mapping and modeling.

L. Buffinton: Is there money for the purchase of conservation easements?

D. White: 70% of the funds in the CLG are used for conservation easements.

H. Roen: Believes this is great that this is being updated, especially since the original inventory was not comprehensive.

J. Wallace-Brodeur: Concerning properties not in conservation or developed yet, what is the City position on those properties? Is the City looking for purchase some of them?

S. Gustin: The Plan is a process to examine this at finer scale to ascertain possibilities.

A. Sheldon: This plan will help prioritize projects/properties. This will become more specific as work progresses.

J. Wallace-Brodeur: The idea of access to parks and public spaces relates to facilitating/ integrating opportunities. It is important that all related ideas become integrated into projects.

L. Buffinton: How do we reconcile the Open Space Protection plan with the smart growth and the need for more development and more density in the city?

A. Sheldon: Hopes to have the plan relate to increased density which is forecast for the City.

VII. Proposed Zoning Amendments

Accessory Dwelling Units

B. Baker: The Ordinance Committee voiced a general concern about two issues:

- Section 2, clarify the 30 percent accessory allowance as a percentage of the total structure.
- Clarify that the use will remain as accessory unit, owner occupation required. An accessory apartment will not affect density.
- The parking space requirement is reduced to one.

On a motion by L. Buffinton, seconded by H. Roen, the Commission unanimously warned a public hearing on ZA-13-10 for March 26, 2013.

L. Buffinton: Accessory buildings are limited to 15 foot height? Overly restrictive?

S. Gustin: This is an existing requirement now, and only applies to accessory structures.

L. Buffinton: Should this be changed to be proportional to main building?

B. Baker: At the public hearing March 26th, could staff have examples to address this question pertaining to accessory buildings?

Dimensional Waiver

Item 1 of Scott Gustin's memo has already been warned for Public Hearing on February 12, 2012, but the Commission decided to discuss all the items together.

As approved by the Burlington Planning Commission on March 12, 2013.

B. Baker: Asks that S. Gustin, Senior Planner, introduce the proposed amendment which pertains to residential side setbacks.

S. Gustin: At present it is not possible to expand a building vertically if the footprint is encroaching in the side yard setback. The Part 2 of the amendment would make possible a vertical expansion. As proposed, to expand upward, the permit application is subjected to the Development Review Board process, there is notice to the adjacent neighbors, and can expand vertically on the existing footprint. Part 3 pertains to how the side setbacks are calculated. The 10% of the lot width currently in place doesn't make sense in the high density zone (RH). The proposal is to use the same calculation mechanism as for front yard setback and average two properties on both sides.

A. Montroll: Does the setback average apply to each side separately? Yes.

B. Baker: Invites the group representing the interests of the King Street Youth Center who had previously been present during an Ordinance Committee meeting concerning this subject, to comment.

V. Smith: The King Street Center has been serving the public for 40 years, and the presently occupied structure has been in use by the Center for 20 years and is worn out. Preschool and afterschool programs are offered and the building is bursting at its seams. The current facility undermines the programs vision for the new center, complete reconstruction of the building is needed to provide infant and toddler care for which at present, there is no space. This expansion of programs would also provide for post high school employment to a population segment which is underemployed.

B. Baker: As I recall this building is within its setbacks but shaped oddly.

J. Bossange: Has met with Planning staff, the Ward 5 NPA, and sent letters to abutting owners. There has been no negative response to the letters, people seem pleased with project/process.

M. Mahoney: Adjoining neighbor; offers support and endorsement, serves on another nonprofit.

R. Kielman (Truex Cullins architect): Hands out orthophotos of the property. He has tested a series of constraints on the property and a decision has been made to work with the existing site. The existing building seems to belong to the character and pattern of neighborhood and the solution to reworking the building would be to reshape constraints. Expansion up or down was examined. The present ordinance requirements would limit the expansion, diminishing the space by 1,500 to 1,700 square feet. The Center is hoping to use the second floor roof of the building as a playground.

L. Buffinton: The massing of the building is now out of scale, bizarre, the proposal is appropriate.

B. Baker: Any comments from the Commission concerning the amendment?

A. Montroll: Is this in the RH zone? Yes.

H. Roen: The proposal amendment makes sense. He is curious if the new zoning process with form based code would make the process easier?

D. White: Yes, it would be easier. Planning & Zoning receives lots of requests which can't be accomplished because of constraints in the RH and RM zones.

A. Montroll: Does the 5 foot setback make sense?

D. White: This standard requirement reflects Fire Department safety requirements for typical construction. If buildings are closer, construction methods required are different. This zoning amendment focus is on expanding up, and involves the side yard setback and has already been warned. One more thing, specific to the King Street Youth Center, the current zoning ordinance use table limits community center use to the first floor. No one knows how or why this changed, but he would encourage the Commission to rectify situation.

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously warned Part 2 & 3 of S. Gustin's memo as well as a change to the use table to make "community centers" a permitted use, for a public hearing on March 26, 2013.

As approved by the Burlington Planning Commission on March 12, 2013.

Adaptive reuse

D White: 4.4.5 residential districts, deletes a redundancy, refers to adaptive reuse. Problematic, uses may have changed. Change to provide incentive for adaptive reuse.

L. Buffinton: Not specific enough. does not take advantage of adaptive reuse.

A. Montroll: A small residential property converted to non-residential could convert back to residential. If the property has previously converted to non-residential, it should not now be able to take advantage of the adaptive reuse policy. It seems counterintuitive if we are encouraging residential.

D. White: Nonresidential converted to residential, (with focus on historic building) provides an incentive to improve.

A. Montroll: Does subsection c address going from nonresidential to residential?

D. White: If a property is residential and converts to non-residential, it cannot convert to residential again with bonus.

A Montroll: A property should not get a bonus for adaptive reuse more than one time.

D. White: The end product of permanent residential use of a historic building is becoming conforming. The history shouldn't matter.

A. Montroll: The end product exceeds our ordinance requirements.

D. White: Bonuses are tied to percentage of preexisting conditions.

A. Montroll: Doesn't the next subsection d take this into consideration?

D. White: This section anticipates demolition of the structure.

A. Montroll: Advises to remove redundancy.

B. Baker: Wanted to take out residential conversion, didn't recognize the complication.

D. White: This may still need work from the Ordinance Committee.

A. Montroll: Recommends that it be sent back to the Ordinance Committee, examined in a broader sense.

VIII. Committee Reports

H. Roen: The Long Range Planning Committee met. There will be notes from the meeting to go out to the Planning Commission. Brian Pine spoke about inclusionary housing.

S. Thibault: CEDO is conducting a market study to align housing need information with planBTV. After the studies are finished, CEDO will probably take the lead on some zoning changes on the inclusionary housing ordinance.

Ordinance Committee has met and many amendments were dealt with tonight.

Executive Committee met and discussed a list of priorities.

D. White: Historic materials will be back for the second meeting of March. Staff is meeting on Thursday previous to the larger meeting.

IX. Commissioner Items

A. Montroll: The Chittenden County Regional Planning Commission is holding a public hearing Wednesday, March 20 at 6pm at the Sheraton, to discuss the ECOS plan. A. Montroll as the Burlington representative would like to hear any comments.

L. Buffinton: There will be workshops on form based code on April 13th and 14th.

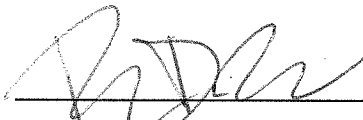
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X. Communications

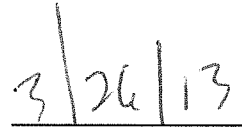
On a motion by J. Wallace-Brodeur, the Commission unanimously voted to accept the communication and place them on file.

XI. Adjourn

On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, the Commission unanimously adjourned the meeting at 8:39 pm.



Bruce Baker, Vice-Chair



Date



Elsie Tillotson, recording secretary